

# Attachment #2

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

United States of America, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<b>Case No. 1:02cv00107</b>
	)	(Consol. with C-1-02-108 and
	)	C-1-02-135)
The Board of County Commissioners,	)	
Hamilton County, Ohio, et al.	)	Judge Arthur J. Spiegel
	)	Magistrate Judge Timothy S. Hogan
Defendants.	)	
	)	

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**DECLARATION OF PETER P. MURPHY IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFF-INTERVENORS' MOTION FOR STATUS  
CONFERENCE**

I, Peter P. Murphy, state and declare as follows:

1. I am over 18 years of age and am competent to testify regarding the following:
2. I serve as outside counsel to Defendants in this matter.
3. On December 1, 2003, I received an email from Leslie Allen, attorney for the United States in this case, forwarding to me an e-mail she had received on November 23, 2003 from Albert Slap, attorney for Plaintiff-Intervenors. The forwarded e-mail attached Sierra Club's comments on the Global Decree, and explained that these comments had been provided to the City Council and County Commissioners. The e-mail further explained that Sierra Club's "[p]aragraph-by-paragraph comments [on the Global Decree] will be provided later." Sierra Club's original e-mail was addressed to the attorneys for the Government-Plaintiffs in this case, as well as ORSANCO's attorney, but it was not addressed to any of Defendants' counsel. At no time during Defendants' comment period did Plaintiff-Intervenors' attorneys forward to me Sierra Club's comments. A true and correct copy of this email is attached hereto as Exhibit A.

I swear under the penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2003.

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**Peter P. Murphy**

# Exhibit A

**Murphy, Peter P.**

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**From:** Leslie.Allen@usdoj.gov  
**Sent:** Monday, December 01, 2003 10:53 AM  
**To:** Murphy, Peter P.  
**Subject:** FW: Sierra Club comments on the 2nd CD



sso700SCCD  
omments11-18-03 fi

-----Original Message-----

From: albertslap@slaplaw.com [mailto:albertslap@slaplaw.com]  
Sent: Sunday, November 23, 2003 9:49 PM  
To: Wiethe, Donetta; Allen, Leslie; prichard.Gary@epamail.epa.gov; mmalone@ag.state.oh.us; Justice@taftlaw.com  
Subject: Sierra Club comments on the 2nd CD

Dear Counsel: Please find attached the Sierra Club comments on the 2nd Consent Decree. Paragraph-by-paragraph comments will be forthcoming later. These comments have been provided to the City Council and County Commissioners. If you would like to discuss these or enter into any negotiations regarding the IPCD or 2nd Decree or have any questions about attached, please do not hesitate to contact me.

Sincerely,

Albert J. Slap, Esq.  
20 Erie Ave.  
Glendale, OH 45246  
513-771-7800